8835. h. 14

England. – Army. – Militia. [Appendix.]

AN

ARGUMENT

Concerning the

MILITIA.

We have done the State some Service,
And they know it.—No more of that.—

BRITISH MUSEUM
NOV

AN

ARGUMENT, &c.

THERE is not, perhaps, in the whole circle of political queſtions, a point of more general and more ſerious importance, more worthy at all times of public attention, than the great problem, How a nation may beſt be rendered defenſible againſt attacks from without, or ſecured from inteſtine rebellions: With what kind of internal, eſſential, and vital force it ſhould be endued; and on what principles that force ſhould be ſupplied, as diſtinguiſhed from ſuch powers as may be neceſſary for foreign conqueſt, and the reſenting inſults on its colonies or allies, the protection of its trade, or ſupport of its external connections.

This point I hope to ſee enquir'd into with the honeſt ſpirit of enquiry; to ſee it conſider'd as a new propoſition, now claiming our unbias'd conſideration, diſencumber'd from the various prejudices which the word Militia has impreſs'd on men's minds, according to their various principles or connections; in a word, conſider'd as it is; a ſyſtem ſo very widely differing from what either the friends

or

or the enemies to the firſt propoſition expected to ſee, that I muſt be excuſed if I ſay, it were no mark of candour in either, to make the ſentiments and the paſſions of two years paſt, the rule and guide of their preſent opinions.

Forgetting then, that it almoſt owes its exiſtence, and and well-nigh its deſtruction to popular clamour; forgetting every collateral and unneceſſary, much more every invidious topic; every point ſuggeſting or reviving prejudice, or already diſcolour'd by debate, oppoſition, or miſconſtruction; but above all avoiding, if it be poſſible, the jealous and untimely notion of a ballance againſt the army of the crown, let a new field be entered into; a field of enquiry, not of contention. Let us ſee in it ſimply, a temporary force, confined and pointed to the defence of our country and our king; headed by men of property in the one, and loyalty towards the other. Let us aſſume too, that there is a ſomething now exiſting, (no matter how produc'd) which has done important ſervice to this country. Examine what that ſomething is; diſſect it while yet alive; fix it, analyſe it, ſecure it. Be it, or be it not Militia, ſee what are its conſtituent parts; and what is neceſſary to be done, in order to inſure the having always on occaſion, that ſomething within our reach.

That there ought in every ſtate (whatever its foreign calls) to remain ſome ſure and reſponſible defence; and that this defence, be thoſe calls ever ſo preſſing, is the firſt irreſiſtible conſideration; is a propoſition, which it were

were waſte of words to defend, while it is true, that the neceſſary takes place of the ſuperfluous; ſafety of conqueſt; exiſtence of acquiſition. And I think likewiſe, that it follows with almoſt equal clearneſs, from every well-conſider'd, experienc'd, and conſtitutional principle, that this defence ſhould be adminiſtered as other warlike exertions are: The ſword of defence, as the ſword of conqueſt: weilded by the hand of the crown, and *virtually* drawn or ſheath'd, guided or reſtrained, by the direction of parliament, and the power of the purſe. The ſole queſtion before us then is, Whether it be contrary to the rules of policy, inconſiſtent with ſecurity, or with oeconomy, that this force ſhould (if it may be ſo contrived) be temporary, yet always at hand; confined to this one object, the eaſieſt of execution, and firſt in rank: and if it ſhould be headed by the property of the country. For theſe, if I miſtake not, are the principal and neceſſary characteriſticks of a Militia, (if we muſt have the word) as differing from the reſt of our forces.

There is one point, which, as the law now ſtands, ſeems, to my apprehenſion, very exceptionable: I think almoſt alone exceptionable: And I eſteem it the part of an honeſt friend, rather to ſearch home for every defect, and reſcind every vitious part, than to flatter the opinion of any man; or indiſcreetly and uncandidly to riſk the honour of the whole, by ſtraining reaſon for the defence of any untenable part. The great queſtion will then ſtand unencumber'd with a circumſtance, which I cannot by any means think eſſential to it; nay, which I am perſwaded,

on the contrary, is the indefenſible one in theory, as it has been the great, the almoſt inſuperable clog in practice. That done I ſhall not fear to leave a defenſible queſtion in the hands of abler defenders, tho' not better friends than myſelf; nay, I wou'd almoſt venture to leave the various and contradictory objections to the mercy of each other.

The exceptionable part which I mean, is the ſyſtem of balloting; concerning which I will ſpeak as clearly as as I can, and as conciſely as the queſtion admits.

It is a truth undeny'd, and undeniable, that all governments have a right of calling on the ſubject for the exertion of their abilities, on all occaſions of the ſtate; as for waging it's wars, ſecuring it's commerce, fulfilling its engagements, or defending its liberty: And this in proportion to thoſe abilities. It is on this principle, that all taxation is founded; the uſe of money furniſhing, ſocieties, a ready meaſure of thoſe abilities; a few caſes only excepted, where ſome of our moſt invaluable rights, and which admit of no equivalent, are in queſtion.

It is on the ſame doctrine, that this moſt forcible and moſt important truth, is to be maintained; that in caſes of neceſſity, and where the very being of a conſtitution is at ſtake, every ſtate has an abſolute and indefeaſible right of calling on every ſubject, capable of perſonal ſervice, to ſtand forth in defence of his country in its diſtreſs: And, I ſay, this is on the ſame principle; becauſe it is no other than

than an equal taxation of that property, in which rank or fortune make no difference; I mean perſonal ability.

But until the near approach of danger makes it neceſſary, there ſeems not the ſhadow of a reaſon, why the military buſineſs of a ſtate ſhould not be procur'd, as all others, by fair bargain; the price of which is to be paid out of the joint-ſtock, rais'd equitably on the property. For two circumſtances are neceſſary to juſtify this meaſure of force: Not only, that the ſervice muſt be had; but that it can, in no reaſonable way, be come at without it. Elſe as good reaſon were there to make a law for the impreſſing men to be huſbandmen, bakers, or taylors; ſince no ſervice is more eſſentially neceſſary than theirs.

Now, by the way, let me obſerve, that it is not quite eaſy to conceive this emergency taking place, while foreign wars are carrying on, which are not of a nature in themſelves, or by their immediate conſequences, to juſtify ſuch a meaſure: For then the compulſion of ſervice is, in effect, not for defence, but for the carrying on thoſe wars.

But I will ſuppoſe it come to that point, when the ſtate calls on its able ſubjects to fight its battles, to defend their properties, liberty, and conſtitution. This neceſſity may extend to all. All may not be too many for the work. And then the old and infirm, who cannot be called on for that they have not; nor ought, I think, to be tax'd for the want of it, have only to pay their ſhare towards the expence of the war, and the ſupport of the reſt. While

theſe laſt, tho' they owe their perſons over and above other taxes, yet muſt not ſuffer in their property otherwiſe, than as that property is affected by the general laws of taxation.

But if only a part of this force is wanted, and no way offers to determine which muſt ſerve, but that of lotting, (only equitable when unavoidable, becauſe always unequal when made) the unhappy neceſſity muſt be yielded to, and ſuch, to whoſe lot it falls, muſt give up their perſons and their liberty for the defence of the reſt. Compelled as they are to game, and to game very high, and loſers, they muſt not yet complain. They muſt yet ſubmit to the martial law. They muſt exchange the valuable privileges of a free-born ſubject, for the harſh, yet neceſſary conſtraints and ſeverities of diſcipline; and they muſt not yet complain: It is their lot, and that lot was unavoidable. It is neceſſity; it is emergency; *Ne quid detrimenti, &c.* And no difference of rank or fortune argues here; except, perhaps, as to the kind and propriety of the ſervice. They are here tax'd in that, wherein all liable to this call are ſuppoſed equal.

Now, if this emergency, this impoſſibility of being ſerv'd in any other way ſhould not be ſuch an emergency, or ſuch an impoſſibility, but that the ſtate might accept of a commutation for this perſonal ſervice in money, or of one man's ſervice for another; and thus make it a property transferable for money; it becomes no longer ſuch a property, of which the rich man cannot be ſaid to have more than

than the poor, but, being money's worth, is to be redeem'd by all in proportion to their properties; it is part of their riches. If it be no longer *his own* perſonal ſervice which the rich man is to furniſh, (being his all) but *a* perſonal ſervice, whereof he can furniſh one hundred as eaſily, as the poor man one; he is indebted in that proportion to the ſtate. His exertion, his burthen is not more than the poor man's. The ſtate ſhall not ſay to the rich and the poor, *You ſhall all give an equal quantity either of that, wherein you are equal, or of that wherein you are not equal, at your choice:* For there is no doubt but the rich will chuſe the laſt, and the effect will be inequitable. Elſe, in this form, an unequal tax might at any time be laid; a capitation, without reſpect to fortunes, by firſt ſaying, *ſerve in perſon*, and then remitting the ſervice for ſuch a ſum, as the poor man could juſt ſcrape together, rather than ſerve; and as the rich man would laugh at.

While the ſervice remains incommutable, untransferable, nothing can be ſaid; and government has therefore, for the publick ſafety, a right to call even for a limb, or a child, if one could ſuppoſe the ſad neceſſity of making ſuch a ſacrifice: but if, after every ſubject were call'd upon by the law to ſuffer the loſs of a finger, the grievance were remitted for a ſum, which would almoſt ruin the poor man, and not be felt by the rich; certainly the injuſtice were crying. And I am perſuaded the juſtneſs of this reaſoning will ſtrike every one, when apply'd to any caſe of the ſame kind, which may ſuggeſt itſelf to his thoughts.

Indeed,

Indeed while the burthen laid; while the quota neceſſary to ſupply the exigencies of the ſtate, is of any kind incapable of being transfer'd, or purchas'd by riches, riches are by no means the meaſure of what that quota ought to be: They are an accidental circumſtance. The rich man is not rich in *that:* his riches avail him not: And on this reſts the juſtice of abſolute lotting. But if the ſtate, wanting an aid, is willing to accept a fine, (which is the caſe of the 10l. forfeit) or if, requiring it in kind, the thing itſelf is to be had for a price (which is the caſe of ſubſtitution) the poor man then feels his want; the rich man his advantage: the equality ceaſes: Commutation ſtrikes at the root of the principle; as the allowance of it argues the non-neceſſity of the thing, and the non-exiſtence of that emergency, with which we ſet out: Property is allowed to take place; and I ſcarce know the meaning of diſtributive and equal adminiſtration, if regard is not then juſtly to be had to the general riches of the party.

Surely, therefore, it is plain, if propoſition *can* be plain, that when once a property is made common to all, in proportion to their riches, and you thereby ſuffer the wealthy to avail themſelves of their abundance, they become rich in *that*, and are to be call'd on in conſequence. —Tax me in *my days work*; take it: rich or poor, it is all I have in that kind; but tax me in *days works*; I have many and muſt furniſh in proportion.

The truth is, the ſtate has a dormant right, a moſt valuable part, a moſt rich property in every ſubject; the great price

price of protection: To which, whenever it becomes by its wants entitled, (for the wants of the ſtate are claims) it is thereby entitled to all that the owner *will give to redeem it:* for the right to the thing implies all that; and if it demand the whole, it muſt remit no part to any *of what they will ſo give to redeem it.* And if but a part, it muſt remit diſtributively to all; none muſt have a better bargain than his neighbour: and the beſt legiſlative, tho' imperfect meaſure of this, is property. Had the public a right to a child from every parent, it muſt ſurely make the man of 10,000 l. a year redeem his child at another price, than him who has but 10 l.

Here then appears a plain difference between the ſimple queſtion of lotting, and that of a power of ſubſtitution, or commutation connected with it. This difference, has, I think, been overlooked; or at leaſt undervalued: and I have choſen to inſiſt ſomewhat the more upon it, becauſe the apparent equality of a ballot, has, I conceive, ſtruck our imagination, and led our judgment to a ſomewhat haſty concluſion.

I cannot, however, help adding a word concerning an anſwer, and a ſpecious one enough, to this objection, ariſing from the liberty of ſubſtitution.

Againſt this objection then, it is thus argued;—That lotting itſelf being agreed to be equal meaſure, what worſe is the poor man *afterwards*, by the rich man's finding a ſubſtitute, or paying 10 l. than by his ſerving in perſon? To which, I conceive, this is a perfect reply: Subjects have not only a right to have *but* an equal ſhare of a burden laid on

them; but likewiſe to have an equal ſhare of any eaſe from that burthen. You ſay, the poor man is no worſe for the commutation of the rich. I ſay, but he had a right to be better; for the rich man is better. There was (after accounts ſettled and ballanced) an indulgence, an eaſe, a beneficial exchange offered to the rich; and only the mockery of an alternative to the poor. Here is a partial diſtribution of indulgencies; to a ſhare of which, the poor man had a right. It were notable juſtice, firſt indeed, to lay a fair and equal tax, and then remit a part of it to ſome; crying to the reſt, *What are ye the worſe, friends!*

Nor can I allow it good argument to ſay, that the rich man is not let off cheaply; being made to find as good a man as himſelf for government: for the equality of taxation does in no wiſe conſiſt in the equality of produce, or benefit to the public from each individual; but in the equality of the burden of each individual.

And now I very much deceive myſelf, if it be not clear and indiſputable, that, whenever men are allowed to commute for any ſervice, they muſt commute in proportion to their abilities in that kind, in which they are ſo allowed to commute: and that, when the liberty of ſubſtitution, or fine, enables the rich man to avail himſelf of his riches; from that moment *ceaſes* that equality, on which alone the doctrine of perſonal ſervice can be ſupported.

One word as to the principle, and the effect of lotting ſimply conſidered: meaning by all means, to except thoſe laſt ſtages of emergency, where the great and original principles

ples of ſociety begin to take place; and the ſtate calls upon us with a voice too ſacred to be either ſlighted or wantonly raiſed. Till then, let us a little enquire, whether it be time to caſt lots before we know if the piece be woven without ſeam; and whether we ought too haſtily to enter on a meaſure, which is moſt certainly an impeachment of the liberty of a portion of the ſubjects; and a withdrawing from them ſome of the benefits of the laws of their country: and this as a kind of compoſition for the ſecurity of thoſe laws and that liberty. Surely this deſerves ſome calculation.

To ſpeak then of the more ordinary caſes, I wiſh to know the advantages, which make it ſo pertinaciouſly preferred to every other more ſimple, and common way of ſupplying the defence of the ſtate. It muſt ſurely procure better men, it muſt procure them cheaper; it muſt call forth ſuch as are more particularly adapted to this ſervice; or it may be, it muſt get them in a more pleaſing and popular manner. There muſt ſurely be ſome arguments of ſtrange force to convince us, that our liberties are no way ſo well to be defended, as by preſſed men; or that gentlemen of rank and liberal conſideration in their country, appear no where with ſuch propriety, as at the head of Gally-ſlaves. Now if it appear, that worſe men are obtained; that it is no cheaper; that it is moſt diſguſting; that it not only brings men to that for which they are not fit, but takes them from that, for which they are fit; it can have little force to anſwer, That nevertheleſs the ſtate has a right to this.

It were truly very hard to debar the ſtate of a right to do its buſineſs in the worſt way poſſible: yet, let me be indulged

to enquire, Which of the good ends promiſed by this method has been effected; and if ſome unforeſeen bad ones have not enſued. The firſt, and the great idea was, that all men able, ſhould in turn, learn the uſe of arms, that ſo we might have near a million of fighting men in the ſtate. Well, if this be neceſſary, allow not of ſubſtitution; (for nine in ten avail themſelves of that law) and ſee the conſequence: let me aſk the Militia officer, who has now ſome right to be conſulted, if he wiſhes for a greater proportion than he has, of lotted men. No! he very heartily wiſhes all were ſubſtitutes! Why then paſs through the uneaſy ſteps of balotting; and why call on the lotted man? ſince a volunteer is found at laſt. He is not thereby found more equitably: is he found cheaper? Oh yes, ſay you, for nothing; the lotted man finds him. Now, ſee how this matter ſtands: he has coſt five, eight, ten pounds, (for the price of three years ſervice has been raiſed to that of enliſting for life, by the neceſſity, to which you have driven the buyer;) and becauſe this ſum is raiſed, perhaps, by way of ſubſcription amongſt a ſet of men liable to the lot, and not by the government, we cry it coſts nothing. We dont hear of it in our ſupplies; the figures ſtand not againſt us. We hide our heads, think no one ſees, and are well ſatisfied. Short-ſighted calculation; timid and falſe œconomy. So acts he, who can not put his hand to his pocket; but will draw on his ſteward for double the ſum. Do we not know it will come to account, and that theſe are the worſt of taxes. The money is raiſed; more than enough is raiſed: for the very idea of lotting carries terror, and hurries the poor man, whoſe family depends on him, to enſure at an unreaſonable price; as againſt a fire or an inundation.

But

But it ends not here; for to remedy this evil, which yet it has not remedied, aroſe the expedient of providing for families; a neceſſity, which we have drawn on ourſelves; but this too, coſts nothing, for it is out of a county-rate. This does not lie upon the table; no matter how ill-adminiſtered, how unneceſſary, it does not lie upon the table: let us now, in good truth, reckon up matters without flattery, and ſay, if all this is œconomy.

But what, in the mean time, is become of the whole ſcheme of balloting, and of the views on which it was eſtabliſhed. The yeoman, the man of property, is not in the ranks; nor do I wiſh him there. The laſt man, I deſire to have the command of, is the ſubſtantial tenant or freeholder; and aſk, if I am ſingular; it were an ungracious buſineſs to bring a conſtituent to the halberds, or too bitterly to animadvert on *him* for getting drunk to day, whom courteouſly I entreated, and invited by example, to do the ſame but yeſterday. See who wiſhes for property in the ranks: aſk, who is not even afraid of iſſuing three ſhillings and five-pence at one payment, leſt property ſhould overturn order. Shew me but the property of one week's wages in the corps on the Saturday night, and it is odds, but the yeomen are endued with mighty drunken, yea, and inſolent properties on the morrow.

Conſidered then in any view, can we think it eligible to execute this meaſure of lotting, and make it take place in *fact*. Can it appear to any one, that the very beſt way of appointing to any buſineſs, is to chuſe by chance; to mix by no other law, than that of hazard, the young, the married, the aukward, the old, the ſpirited, the robuſt, and the puny; the ill-diſpoſed, and the unhappy; the tall and the

ſhort?

ſhort? Would any man thus chuſe and allot his ſervants to the different kinds of ſervice, of which he had need? And in truth, ſo unluckily does the lot ſometimes fall; ſo much does the unfortunate, tho' ridiculous object of it, ſcandaliſe the officer, that he fears nothing ſo much as that the poor creature ſhould be for fighting; becauſe in that caſe he cannot compel him to find one who ſhall paſs muſter better than himſelf. And by the way, I would gladly know by what equity, by what claim of the ſtate it is, that he, who has but one eye, ſhall be compelled to find a man with two for its ſervice.

Yet all this were not ſo very abſurd, if the buſineſs were to ruſh out with flails and pitchforks, or any weapons choſen likewiſe by *honeſt chance*, and maintain a ſudden and a ruſtick war, every man in his own gap. If mere zeal, and the ſpirit of ſelf-defence were ſufficient, then indeed the father were to be preferred to the thoughtleſs youth; the huſband and parent, to the ſingle and unattached. But battles are not won by fury, but by diſcipline; and to diſcipline, uniformity is neceſſary, and a thouſand details of ſoldier-like appointment, even to the cock of a hat and the powdered hair; without which, (and an emulation in them too) the ſoldier, nay, and the officer, zealous as he may be for his country, will not long keep up the ſpirit of martial performance.

On theſe arguments I am willing to reſt the merits of this queſtion, in the judgment of either the legiſlator, or the officer. From theſe arguments I venture to draw this concluſion; that if we conſider a ballot as taking real effect, it appears

appears ridiculous, impracticable, and carrying an Utopian idea of property and patriotiſm into the ranks: That on the other hand, compelled as we are, to allow of fining or ſubſtitution, it becomes the inconvenient, burthenſome, and odious expedient of unequal taxation. Let all things be left to the places aſſigned to them by their nature; and by the wholeſome ſubordination, ſo eſſential to all ſocieties. The men of property in a country, have doubtleſs a right to act a principal part in its defence; it is doubtleſs their duty, their bounden duty. The ranks ſhould be ſupplied from the loweſt orders of men, and then diſcipline will not be the worſe, but the better obſerved; good behaviour in all kinds, not the worſe, but the better enforced, for every additional bond of neighbourhood, and of provincial authority and dependance.

And now having, with very little art, but with all the plaineſs I could, and with perfect freedom, expreſſed my ſentiments on this head; it hurts me very little to conſider, that I have, perhaps, furniſhed matter of triumph to the old enemy of the meaſure, in thus giving up one of its material parts. Little bent upon victory, and very earneſt in the ſearch of truth, I am not defending this man's or that man's opinion; nor do I think it worth two lines to inform the reader, how long I have been in this opinion myſelf. If I am right in it, be it all the merit I claim, to have purged away the droſs, that the remaining gold need little more than to be aſſayed: that which was ſuperfluous and burthenſome, being work'd off, what remains but *ipſa forma?* and if that be out of proportion, if it be diſtorted or ungraceful, it will little avail to ſtrain language in its praiſe.

Yet I could wiſh to ſee juſtice done to a great ſubject, by a hand able to do it juſtice. I wiſh to ſee the weighty objec-

tions, if ſuch there are, treated with reſpect, and anſwered (for they can be anſwered) by reaſon; even the frivolous ones treated with candour, and anſwered with temper; the rancorous and agoniſtical, with ridicule and contempt.

In the mean time, and before I drop my pen, let us for a moment, look back and take a ſhort view of our principles. Let us recall our definition. An army of defence; its operations limited to our iſland; it's force exerted by our king, regulated by parliament, and lead on by property.

Then, old queſtions being laid aſide, invidious topics being forgotten, let us ſee if the idea be dangerous, impracticable, or ruinous: if it be not, let no man in this great buſineſs miſpend his faculties in taunting his neighbour for miſtakes. Let no original friend to the eſtabliſhment cry in triumph, *Behold our ſtrength, our performance; and ſaid I not ſo?* Let no former enemy to the ſyſtem, as it appeared at firſt, reply, *You have changed your plan; you have in fact confeſſed your error, and adopted new principles.* Let no man in the indecent ſpirit of ill-grounded exultation, or diſappointed rancour, recapitulate the alterations that have ariſen in the production of this great work, the throws of its birth: let no one indulge the diſhoneſt pleaſure of recalling to mind the untoward circumſtances of its education, and the unwarrantable heats of its youth; but drawing a kindly veil over every ungracious circumſtance, let every man honeſtly and ſtrenuouſly ſet himſelf to the work, and I truſt there will not be wanting either a ſober ſpirit of debate to plan, or a manly ſpirit of defence to execute ſuch things, as may make our iſland ſmile in ſecurity, and in freedom, at the threats, the vain threats of her enemies.

FINIS.

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